

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CONTOUR IP HOLDING, LLC and)	
ION WORLDWIDE, INC.,)	
)	
Plaintiffs,)	
)	C.A. No. 15-1108 (LPS) (CJB)
v.)	
)	
GOPRO, INC.,)	
)	
Defendant.)	

**DEFENDANT GOPRO, INC.'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF
MOTION TO TRANSFER VENUE TO THE NORTHERN DISTRICT OF
CALIFORNIA, OR IN THE ALTERNATIVE, TO THE DISTRICT OF UTAH**

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November 22, 2016

In support of its Motion to Transfer Venue to the Northern District of California, or in the Alternative, to the District of Utah, Defendant GoPro, Inc. (“GoPro”) hereby requests that the Court take judicial notice, pursuant to Federal Rule of Evidence 201, of the following attached Exhibits:

- **Exhibit A** is a true and correct copy of the Notice of Dismissal Without Prejudice Pursuant to F.R.C.P. 41(a)(1)(A)(i) filed in *Contour, LLC v. GoPro, Inc. et al.*, Civil No. 2:14-cv-00864-CW-DBP (D. Utah);
- **Exhibit B** is a true and correct copy of the complaint, without exhibits, filed in *Contour, LLC et al. v. iON Worldwide Inc. et al.*, Case No. 2:16-cv-00138-DB (D. Utah);
- **Exhibit C** is a true and correct copy of a LexisNexis Utah Secretary of State Search for Contour IP Holding, LLC; and
- **Exhibit D** is a true and correct copy of Ambarella, Inc.’s September 1, 2016 United States Securities and Exchange Commission, Form 8-K.

Judicial notice of the above-listed documents is appropriate for the reasons set forth below.

LEGAL ARGUMENT

The standard for judicial notice set forth in Federal Rule of Evidence 201 allows a court to take judicial notice of an adjudicative fact not subject to “reasonable dispute,” either because it is “generally known within the territorial jurisdiction of the trial court” or it is “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *In re Heckmann Corp. Sec. Litig.*, 869 F.Supp.2d 519, 526 (D. Del. 2012). A court may take judicial notice if a party requests it and the court is “supplied with necessary information.” *In re NAHC, Inc. Sec. Litig.*, 306 F.3d 1314, 1331 (3d Cir. 2002); Fed. R. Evid. 201(d).

Further, a court may take “judicial notice of the contents of court records from another jurisdiction.” *Southmark Prime Plus, L.P. v. Falzone*, 776 F.Supp. 888, 892 (D. Del. 1991) (court judicially noticing contents of parallel proceedings in California). “[F]ederal courts may also take notice of proceedings in other courts, both within and outside of the federal judicial system, if the proceedings have a direct relation to matters at issue.” *Id.* (citing *Green v. Warden, U.S. Penitentiary*, 699 F.2d 364, 369 (7th Cir. 1983)).

Additionally, “a court may take judicial notice of matters of public record . . . without converting a motion to dismiss into a motion for summary judgment.” *Piazza v. Major League Baseball*, 831 F.Supp. 420, n.3 (E.D. Pa. 1993); *see also Acierno v. Haggerty*, C.A. No. 04-1376-KAJ, 2005 WL 3134060, at *6 (D. Del. Nov. 23, 2005) (taking judicial notice of SEC filings).

Here, Exhibits A and B, as in *Southmark Prime Plus, L.P. v. Falzone*, constitute court records from another jurisdiction. Exhibits C and D, as in *Acierno v. Haggerty*, constitute public records. Specifically, Exhibit C is a Utah Secretary of State search available through LexisNexis and Exhibit D is an SEC filing. Accordingly, the aforementioned documents are all material properly subject for judicial notice as such records are undisputed matters of public record and are capable of accurate and ready determination by the Court.

For the foregoing reasons, GoPro respectfully requests that the Court grant its request for judicial notice of Exhibits A-D.

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2016, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on November 22, 2016, upon the following in the manner indicated:

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